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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,435	10/10/2003	Ronald D. Blum	10551/514	2127

23838 7590 08/10/2004

KENYON & KENYON
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WASHINGTON, DC 20005

EXAMINER

MULLEN, THOMAS J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/682,435	Applicant(s) BLUM ET AL.	
	Examiner Thomas J. Mullen, Jr.	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 14-55 is/are allowed.
- 6) ☒ Claim(s) 8,56,59-62 and 67-70 is/are rejected.
- 7) ☒ Claim(s) 9-13,57,58 and 63-66 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/04,5/10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The status (patented, abandoned) of the related applications 10/438,923 and 10/285,639 mentioned on page 1 of the specification should be updated when applicable.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. NOTE: the effective date of the presently claimed invention(s) appears to be no earlier than 10/12/02, the date of the earliest copending provisional application.

4. Claims 67-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels (US 2004/41800, effective date 9/4/02).

See in Daniels, Figs. 1 and 4-7; the Abstract; and paragraphs 0075-0082. Daniels discloses an electronic display device comprising a lightweight flexible frame (Figs. 1, 4, 5) having a lightweight flexible transparent protective layer (46) and a lightweight, flexible backing layer (10); a lightweight, flexible display element layer (24; 40, 42, 44) arranged between the transparent protective layer and the backing layer; and a lightweight, flexible thin film battery 12 (para. 0067, lines 7-8). Daniels further teaches that the display element layer (24; 40, 42, 44) may comprise an "OLED" (para. 0078, line 3) or "light-emitting...polymer" (para. 0081, lines 8-9).

5. Claim 67 is rejected under 35 U.S.C. 102(b) as being anticipated by Castle et al (US 5848830), cited by applicant.

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Note in Castle et al, Figs. 6-8, col. 2, lines 25-65, and col. 4, lines 51-55. Castle et al discloses an electronic display device, comprising a lightweight flexible frame having a lightweight flexible transparent protective layer (18) and a lightweight, flexible backing layer (20); and a lightweight, flexible display element layer (34) arranged between the transparent protective layer and the backing layer.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by any of Darr (US 5839976), Tillman (US 5971761) or Hector et al (US 4720789), all cited by applicant.

Note in each of Darr, Tillman and Hector et al, Fig. 1 and the Abstract. Darr discloses a floor display system, comprising a floor covering (20,21); an electronic display device (24,25,29,32,etc) associated with the floor covering and configurable to display "electronically modifiable arbitrary content"; and a plurality of separate "panels" (e.g., blocks 23) configurable to display an "image" independently from the displayed images of other panels. Tillman discloses a floor display system, comprising a floor covering (10,11); an electronic display device (17,25,26,31,etc) associated with the floor covering and configurable to display "electronically modifiable arbitrary content"; and a plurality of separate "panels" (e.g., zones 12) configurable to display an "image" independently from the displayed images of other panels. Hector et al discloses a floor display system, comprising a floor covering (12,62); an electronic display device (14), "associated with" the floor covering and configurable to display "electronically modifiable arbitrary content"; and a plurality of separate "panels" (e.g., squares 94) configurable to display an "image" independently from the displayed images of other panels.

7. Claims 56 and 59-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Begum et al (US 5703564), cited by applicant.

Note in Begum et al, Figs. 1-3; the Abstract; col. 1, lines 18-24; and col. 3, line 58 to col. 4, line 46. Begum et al discloses a floor display system, comprising a trench (30); a track (44,56,58,60,etc) arranged within the trench; and an electronic display device

(12,14,34) configured to be received within the trench and connected to the track and to display "electronically modifiable arbitrary content". The electronic display device has a "protective covering" (70,86,92) with a transparent window. Element 34 of the electronic display device is a "riser" for raising the electronic display to a desired level.

8. Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by either Hahn (US 5646818) or Watanabe et al (US 5816550), both cited by applicant.

Note in Hahn, Fig. 1; the Abstract; col. 1, lines 60-65; and col. 2, lines 46-48. Note in Watanabe et al, Figs. 1-2 and 7-8; the Abstract; and col. 2, line 10 to col. 3, line 5. Hahn discloses a floor display system, comprising an electronic display device (1,5) configurable to display "electronically modifiable arbitrary content"; and a positioning mechanism (3,12,15) coupled to the electronic display device for positioning the display device at a predetermined angle relative to a floor. Watanabe et al discloses a floor display system, comprising an electronic display device (3) configurable to display "electronically modifiable arbitrary content"; and a positioning mechanism (1,2,4,etc) coupled to the electronic display device for positioning the display device at a predetermined angle relative to a floor (note that, although Watanabe et al teach mounting the display device at an angle relative to a shelf--e.g., 62,64 in Fig. 2--of a showcase 60, the display device is inherently fixed at the same (or a similar) angle relative to the floor on which the showcase 60 and shelves 62,64 are placed).

9. Claims 1-7, 9-55, 57-58 and 63-66 are allowed, or would be allowable if rewritten in independent form, because the prior art does not teach or fairly suggest the "image displayed by the electronic display device being oriented based on information received by a controller from a sensing device" (claims 1-7, 14-55); the independent image panels being in different orientations, configurable to form a composite image, rotatable and/or translatable based on information received by a controller from a sensing device, or substantially visible in a first direction but not visible in a second direction (claims 9-13); the electronic display device receiving at least one of power and data from a power supply and a data conduit, respectively (claim 57); the fitted section for an open space in

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the trench (claim 58); or the positioning mechanism being flexible, expandable/retractable, having a spring, or being used with back-to-back electronic display devices (claims 63-66).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

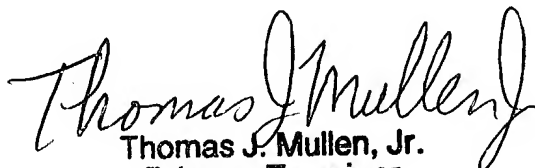
The remaining art cited by applicant has been considered. Holtzman (US 6067080--see col. 5, lines 2-6), Hamilton (US 2003/132924), Salmon (US 2004/67777), Comiskey et al (US 6639578) and Gelbman (US 2002/167500) are cited to further show the state of the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 703-305-4382. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632